

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WALGREEN CO.,)
)
Plaintiff,)
) Civil Action No. 16-1040-RGA
v.)
)
THERANOS, INC.,) JURY TRIAL DEMANDED
)
Defendant.)

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a) and the terms of a confidential settlement agreement entered into by the parties, Plaintiff Walgreen Co. and Defendant Theranos, Inc., by and through their undersigned counsel, hereby stipulate and agree, subject to the approval of the Court, to the dismissal without prejudice of all claims and prayers for relief in this action. Each party shall bear its own costs, expenses, and attorneys' fees.

This Stipulation of Dismissal without Prejudice is made pursuant to the terms of the parties' confidential settlement agreement. The parties intend to file a further stipulation of dismissal *with* prejudice after certain conditions of the settlement agreement have been satisfied.

POTTER ANDERSON & CORROON LLP

RICHARDS, LAYTON & FINGER, P.A.

By: /s/ Kevin R. Shannon

Kevin R. Shannon (#3137)
Arthur L. Dent (#2491)
Hercules Plaza
P.O. Box 951
Wilmington, DE 19899
(302) 984-6000
kshannon@potteranderson.com
adent@potteranderson.com

OF COUNSEL:

David A. Gordon
Kristen R. Seeger
Lawrence P. Fogel
SIDLEY AUSTIN LLP
One South Dearborn Street
Chicago, Illinois 60603
(312) 853-7000

Attorneys for Plaintiff Walgreen Co.

By: /s/Kelly E. Farnan

Gregory P. Williams (#2168)
Kelly E. Farnan (#4395)
920 North King Street
Wilmington, DE 19801
(302) 651-7700
williams@rlf.com
farnan@rlf.com

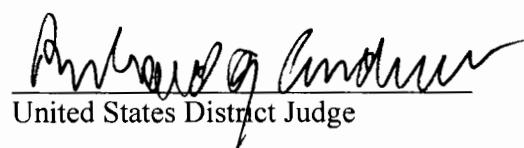
OF COUNSEL:

Chris Casamassima
Michael Mugmon
WILMER CUTLER PICKERING HALE
AND DORR
950 Page Mill Road
Palo Alto, California 94304
(650) 858-6103

Attorneys for Defendant Theranos, Inc.

Dated: August 4, 2017

SO ORDERED this 4 day of August, 2017.


United States District Judge